



IN REPLY REFER TO:  
FWS/R8/ES

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825



September 27, 2019

Terrence Fleming  
Acting Manager – Standards and Assessment Section  
U.S. Environmental Protection Agency- Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Dear Mr. Fleming:

The U.S. Fish and Wildlife Service (Service) acknowledges receiving your letter dated August 12, 2019 requesting initiation of informal consultation under the Endangered Species Act. This letter responds to your request for technical assistance and confirmation of listed species/critical habitat associated with the Federally proposed selenium water quality criterion for fresh and estuarine waters in California exclusive of the San Francisco Bay estuary (Action Area).

After our review of Enclosure A and additional information, we have provided a list of species we confirm should be included in your biological assessment/evaluation (Table 1).

**Table 1.** List of endangered or threatened species the Service confirms should be evaluated by EPA.

SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
Arroyo Toad ( <i>Anaxyrus californicus</i> ) Population: Wherever found	Endangered	Final designated	Amphibians
California Red-legged Frog ( <i>Rana draytonii</i> ) Population: Wherever found	Threatened	Final designated	Amphibians
California Tiger Salamander ( <i>Ambystoma californiense</i> ) Population: California - Santa Barbara County	Endangered	Final designated	Amphibians

SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
California Tiger Salamander ( <i>Ambystoma californiense</i> ) Population: CA - Sonoma County	Endangered	Final designated	Amphibians
California Tiger Salamander ( <i>Ambystoma californiense</i> ) Population: California - Central CA DPS	Threatened	Final designated	Amphibians
Mountain Yellow-Legged Frog ( <i>Rana muscosa</i> ) Population: Northern California DPS	Endangered	Final designated	Amphibians
Santa Cruz Long-Toed Salamander ( <i>Ambystoma macrodactylum croceum</i> ) Population: Wherever found	Endangered	Proposed	Amphibians
Sierra Nevada Yellow-legged Frog ( <i>Rana sierrae</i> ) Population: Wherever found	Endangered	Final designated	Amphibians
Yosemite Toad ( <i>Anaxyrus canorus</i> ) Population: Wherever found	Threatened	Final designated	Amphibians
California Least Tern ( <i>Sterna antillarum browni</i> ) Population: Wherever found	Endangered		Birds
Least Bell's Vireo ( <i>Vireo bellii pusillus</i> ) Population: Wherever found	Endangered	Final designated	Birds
Light-Footed Ridgway's Rail ( <i>Rallus obsoletus levipes</i> ) Population: Wherever found	Endangered		Birds
Southwestern Willow Flycatcher ( <i>Empidonax traillii extimus</i> ) Population: Wherever found	Endangered	Final designated	Birds
Western Snowy Plover ( <i>Charadrius nivosus nivosus</i> ) Population: Pacific Coast population DPS- U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast)	Threatened	Final designated	Birds
Yellow-Billed Cuckoo ( <i>Coccyzus americanus</i> ) Population: Western U.S. DPS	Threatened	Proposed	Birds

SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
Yuma Ridgway's Rail ( <i>Rallus obsoletus yumanensis</i> ) Population: Wherever found	Endangered		Birds
California Freshwater Shrimp ( <i>Syncaris pacifica</i> )	Endangered		Crustaceans
Conservancy Fairy Shrimp ( <i>Branchinecta conservatio</i> ) Population: Wherever found	Endangered	Final designated	Crustaceans
Longhorn Fairy Shrimp ( <i>Branchinecta longiantenna</i> ) Population: Wherever found	Endangered	Final designated	Crustaceans
Riverside Fairy Shrimp ( <i>Streptocephalus woottoni</i> ) Population: Wherever found	Endangered	Final designated	Crustaceans
San Diego Fairy Shrimp ( <i>Branchinecta sandiegonensis</i> ) Population: Wherever found	Endangered	Final designated	Crustaceans
Shasta Crayfish ( <i>Pacifastacus fortis</i> ) Population: Wherever found	Endangered		Crustaceans
Vernal Pool Fairy Shrimp ( <i>Branchinecta lynchi</i> )	Threatened	Final designated	Crustaceans
Vernal Pool Tadpole Shrimp ( <i>Lepidurus packardii</i> ) Population: Wherever found	Endangered	Final designated	Crustaceans
Desert Pupfish ( <i>Cyprinodon macularius</i> ) Population: Wherever found	Endangered	Final designated	Fishes
Lahontan cutthroat Trout ( <i>Oncorhynchus clarkii henshawi</i> ) Population: Wherever found	Threatened		Fishes
Little Kern Golden Trout ( <i>Oncorhynchus aguabonita whitei</i> ) Population: Wherever found	Threatened	Final designated	Fishes
Lost River Sucker ( <i>Deltistes luxatus</i> ) Population: Wherever found	Endangered	Final designated	Fishes

SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
Mohave Tui Chub ( <i>Gila bicolor ssp. mohavensis</i> ) Population: Wherever found	Endangered		Fishes
Owens Pupfish ( <i>Cyprinodon radiosus</i> ) Population: Wherever found	Endangered		Fishes
Owens Tui Chub ( <i>Gila bicolor ssp. snyderi</i> ) Population: Wherever found	Endangered	Final designated	Fishes
Paiute Cutthroat Trout ( <i>Oncorhynchus clarkii seleniris</i> ) Population: Wherever found	Threatened		Fishes
Razorback Sucker ( <i>Xyrauchen texanus</i> ) Population: Wherever found	Endangered	Final designated	Fishes
Santa Ana Sucker ( <i>Catostomus santaanae</i> ) Population: 3 CA river basins	Threatened	Final designated	Fishes
Shortnose Sucker ( <i>Chasmistes brevirostris</i> ) Population: Wherever found	Endangered	Final designated	Fishes
Tidewater Goby ( <i>Eucyclogobius newberryi</i> ) Population: Wherever found	Endangered	Final designated	Fishes
Unarmored Threespine Stickleback ( <i>Gasterosteus aculeatus williamsoni</i> ) Population: Wherever found	Endangered		Fishes
Water Howellia ( <i>Howellia aquatilis</i> ) Population: Wherever found	Threatened		Flowering Plants
Valley Elderberry Longhorn Beetle ( <i>Desmocerus californicus dimorphus</i> ) Population: Wherever found	Threatened	Final designated	Insects
Buena Vista Lake Ornate Shrew ( <i>Sorex ornatus relictus</i> ) Population: Wherever found	Endangered	Final designated	Mammals
Riparian Brush Rabbit ( <i>Sylvilagus bachmani riparius</i> ) Population: Wherever found	Endangered		Mammals

SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
Riparian Woodrat ( <i>Neotoma fuscipes riparia</i> ) Population: Wherever found	Endangered		Mammals
Giant Garter Snake ( <i>Thamnophis gigas</i> ) Population: Wherever found	Threatened		Reptiles
San Francisco Garter Snake ( <i>Thamnophis sirtalis tetrataenia</i> ) Population: Wherever found	Endangered		Reptiles

You requested the Service identify any species from your Enclosure A that would not require evaluation. The decision of not evaluating effects of a proposed action on species or their critical habitat (i.e., a “no effect” determination) is the responsibility of the action agency. The Service does not provide concurrences on “no effect” determinations made by an action agency. However, we did identify two species you indicated as “not affected” in your Enclosure A that we recommend for further evaluation. These species are identified in Table 2 below. Tables 1 and 2 represent all the species we anticipate to be affected by your proposed action within the action area and should be included in your biological assessment/evaluation.

**Table 2.** List of endangered or threatened species initially determined as “no effect” by EPA that the Service recommends evaluating further.

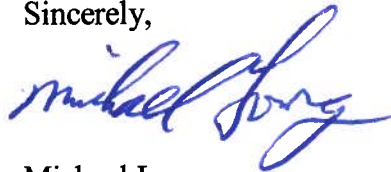
SPECIES	STATUS	CRITICAL HABITAT	SPECIES TYPE
Delta Green Ground Beetle ( <i>Elaphrus viridis</i> ) Population: Wherever found	Threatened	Final designated	Insects
Amargosa Vole ( <i>Microtus californicus scirpensis</i> ) Population: Wherever found	Endangered	Final designated	Mammals

You also requested the Service identify any species and critical habitat that were not included in your Enclosure A that would require evaluation. The Service did not identify any species that were not included in your list.

The Service endeavors to provide additional technical assistance to your agency in the furtherance of meeting your informal consultation request. We will continue to work with you and your staff to identify pertinent information and data for the species identified in Tables 1 and 2 in order to facilitate your effect determinations and submission of your biological assessment/evaluation.

Should you have further questions, please contact either Carol Roberts of the Carlsbad Fish and Wildlife Office at (760) 431-9440 ext. 271, or Damian K. Higgins of the Pacific Southwest Regional Office at (916) 414-6548.

Sincerely,



Michael Long  
Ecological Services Chief

cc:

Dan Blake, FWS, Klamath Falls, OR  
Gina Glenne, FWS, Yreka, CA  
Glen Knowles, FWS, Las Vegas  
Jenny Marek, FWS, Ventura, CA  
Carrie Marr, FWS, Phoenix, AZ  
Tom Maurer, FWS-SFWO, Sacramento, CA  
Ellen McBride, FWS-R8, Sacramento, CA  
Carol Roberts, FWS, Carlsbad, CA  
Kim Squires, FWS-BDFWO, Sacramento, CA  
Susie Tharatt, FWS, Arcata, CA  
Tara Vogel, FWS, Reno, NV